

The Honorable John H. Chun

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

FEDERAL TRADE COMMISSION,

Plaintiff,

v.

AMAZON.COM, INC., *et al.*

Defendants.

Case No. 2:23-cv-0932-JHC

**FTC’S MOTION TO EXTEND TRIAL
LENGTH**

NOTE ON MOTION CALENDAR:
July 24, 2025

Plaintiff Federal Trade Commission (“FTC”) respectfully moves this Court for a modest increase in the number of trial dates allotted for this matter, such that the FTC has 10 trial days to present its case. As the FTC has previously noted, the FTC seeks to bring this matter to trial expeditiously and comprehensively. *See* Dkt. 391 at 1.

Defendants have stipulated to a total of 15 trial days for this matter, with each side getting 7.5 trial days to put on their case. Dkt. 391 at 2. The FTC seeks an additional 2.5 trial days—for a total of 10 trial days—to put on its case-in-chief. Here, good cause exists for a modest extension of the trial length in this matter and the FTC’s request for an additional 2.5 trial days to put on its case. *Cf. Lacey Marketplace Assocs. II, LLC v. United Farmers of Alberta Co-*

1 *op, Ltd.*, 2015 WL 403165 at *20 (W.D. Wash. Jan. 28, 2015) (applying good cause standard in
 2 Fed. R. Civ. P. 16(b)(4) to motion to lengthen trial). **First**, this case is significant in scale; it
 3 concerns the world’s largest subscription service sold by one of the world’s largest companies.
 4 Dkt. #171 at 2. **Second**, there are a significant number of complex legal and factual questions
 5 that must be answered by the Court and the jury. Trial in this matter will require factual findings
 6 regarding multiple substantive laws and multiple standards of culpability. *Compare* 15 U.S.C. §
 7 45(m)(1)(A) (knowledge requirement for civil penalties for rule violations) *with* 15 U.S.C. §
 8 53(b) (no knowledge requirement for injunctions concerning ongoing conduct) *and* 15 U.S.C. §
 9 57b(a)(1) (no knowledge requirement for equitable monetary relief). **Third**, the presentation of
 10 evidence at trial will be voluminous and complex. The parties have designated dozens of
 11 potential fact and expert witnesses. Even if some experts are excluded or their testimony is
 12 limited at trial, racing through the remainder to meet a truncated schedule will complicate—not
 13 aid—the jury and the Court in assessing their testimony. *See also Gen. Signal Corp. v. MCI*
 14 *Telecomms. Corp.*, 66 F.3d 1500, 1509 (9th Cir. 1995) (“Although district courts have discretion
 15 to impose rules to expedite completion of trials, we caution that they must not adhere so rigidly
 16 to time limits as to sacrifice justice in the name of efficiency.”).

17 Finally, the FTC’s request does not prejudice the Defendants, nor would it force
 18 Defendants to change their approach at trial. Defendants believe that their defense can be
 19 adequately presented in 7.5 trial days. *See* Dkt. #391. Defendants’ belief that their case may
 20 benefit from such brevity should not, however, constrain the FTC’s ability to put on its full case.

21 The FTC looks forward to presenting its case to the jury starting this September and
 22 equally looks forward to ensuring the jury can properly consider this important and complex
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case. For these reasons, the FTC respectfully moves this Court to extend the length of the trial to a total of 3.5 weeks, with ten trial days allotted to the FTC.

LOCAL RULE 7(e) CERTIFICATION

I certify that this motion contains 505 words in compliance with the Local Civil Rules.

LOCAL RULE 37(a)(1) CERTIFICATION

I certify that counsel for the FTC has conferred with counsel for the Defendants in a good faith effort to reach a stipulated agreement. Counsel for the parties spoke by phone and exchanged emails, and as noted to the Court, *see* Dkt. #371, Defendants agreed to a portion of the requested extension, but not its entirety.

Dated: July 3, 2025

s/ Colin D. A. MacDonald

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